

Staff Report to the Zoning Administrator

Application Number: 161087

Applicant: Robert Burkhart

Owner: Craig Jones APN: 03222123

Agenda Date: August 19, 2016

Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to construct a residential addition of approximately 800 square feet, construct a 216-square-foot attached garage and expand the front porch by 30 square feet. Requires a Variance to reduce the minimum 15-foot front yard setback to approximately three feet to the porch addition and 7.5 feet to the residential addition, and to reduce the minimum 15-foot rear yard setback to approximately 9.5 feet to the dwelling and 4 feet to the garage, and a Minor Exception to reduce the minimum 20-foot setback to the garage to approximately 18 feet, increase the maximum 50% floor area ratio to approximately 57% and to increase the maximum 45% lot coverage to approximately 49%.

Location: Property located on the east side of 33rd Avenue (250 33rd Avenue) approximately 300 feet south of the intersection with Hawes Drive.

Supervisorial District: 1st District (District Supervisor: John Leopold)

Permits Required: Variance and Minor Exception

Technical Reviews: None

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 161087, based on the attached findings and conditions.

Exhibits

- A. Categorical Exemption (CEQA determination)
- E. Assessor's, Location, Zoning and General Plan Maps

- B. Findings
- C. Conditions
- D. Project plans

Parcel Information

Parcel Size: 2,400 sq.ft.

Existing Land Use - Parcel: Existing Land Use - Surrounding:

Res Res

Project Access: Planning Area:

Pvte right-of-way

Live Oak

Land Use Designation:

R-UM (Urban Medium Density Residential)

Zone District:

R-1-4-PP (Single-family residential, Pleasure Point

Combining District)

Coastal Zone:

x Inside

__ Outside

Appealable to Calif. Coastal

Yes

x No

Comm.

Environmental Information

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

Fire Hazard:

Not a mapped constraint

Slopes:

N/A

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading proposed

Tree Removal:

No significant trees proposed to be removed

Scenic:

Not a mapped resource

Drainage:

Revised drainage to be addressed at building permit

Archeology:

Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:

Outside x Inside

Water Supply:

City of Santa Cruz

Sewage Disposal:

County Sanitation

Fire District:

Central

Drainage District:

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History

The Zoning Administrator approved a planned development permit (78-1391-PD) in 1978 for a 2-story addition and garage, including variance to reduce required 20-foot front yard to 6 feet and required 15-foot rear yard to 11 feet. Approval never exercised: building permit application for a two-story addition went void in 1979.

Project Setting

The proposed project is in a Pleasure Point neighborhood of generally small lots. The street is a 50/50 mixture of one- and two-story single family dwellings. The adjoining dwelling to the south is a one story structure on a 4,500 square foot parcel. The house to the north is a two-story on a 4,400 square foot parcel; the house to the rear is a 3-bedroom, single-story, about 1,120 sq.ft. in area (Assessor est.).

Due to the small size and shallow depth of many lots on the street, a high percentage of dwellings do not conform to the 15- and 20-foot front setbacks or 15-foot rear setbacks established by the R-1-4 zoning district, and some appear to exceed lot coverage or floor-area ratio standards.

Zoning & General Plan Consistency

The subject property is a parcel of 2,400 square feet, located in the R-1-4-PP (Single-family residential, Pleasure Point Combining District) zone district, a designation which allows residential uses. The proposed residential addition and attached garage is a principal permitted use within the zone district and the zoning is consistent with the site's R-UM (Urban Medium Density Residential) General Plan designation.

Variance

The subject parcel is only 40 feet deep. The standard setbacks for the zoning district (15 feet front and rear) would allow only a 10-foot strip for the dwelling and garage, depriving the property of the standard privilege of a conventional dwelling. The proposed variance, reducing the front setback from 15 feet to 7.5 feet to the addition, and 3 feet to the porch addition, is appropriate to allow an 800 square foot addition. The proposed reduction of the 15-foot minimum rear yard setback would allow construction of a one-car garage with one off-street parking space in front. Like the proposed structure, the existing dwelling is 7.5 feet from the front property line and the porch 3 feet from the front property line.

The 50% floor area ratio for the district would allow a total of 1,200 square feet for a dwelling on the parcel, in addition to a garage credit of up to 225 square feet; the maximum 45% lot coverage would allow a total footprint of 1,080 square feet. The proposed Minor Exception to FAR and lot coverage standards would allow construction of a 1,386 square foot dwelling and 216 sq.ft., one-story garage. The applicant reduced the initial floor area of the proposed project to add articulation to the front façade, moving the second-story setback to 9.5 feet.

Local Coastal Program Consistency

The proposed residential addition and attached garage is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed residential addition and attached garage is not a sensitive site and not subject to design review. However, the project complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design

features such as to reduce the impact of the proposed development on surrounding land uses and the natural landscape.

Environmental Review

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA), and the project qualifies for a Class 3 exemption - New Construction or Conversion of Small Structures (CEQA Guidelines Section 15303).

Conclusion

As proposed and conditioned, the project is consistent with applicable codes and policies of the Zoning Ordinance and General Plan/LCP, including Variance policies. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 161087, based on the attached findings and conditions.

Supplementary information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Jerry Busch

Santa Cruz County Planning Department

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E-mail: jerry.busch@santacruzcounty.us

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 161087

Assessor Parcel Number: 03222123 Project Location: 7126 Mesa Drive
Project Description: Residential addition and attached garage
Person or Agency Proposing Project: Robert Burkhart
Contact Phone Number:
 A The proposed activity is not a project under CEQA Guidelines Section 15378. B The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c). C Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment. D Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. X Categorical Exemption
Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:
Remodel of an existing residence in an area designated for residential uses.
In addition, none of the conditions described in Section 15300.2 apply to this project. Date: 7-21-14 Jerry Busch, Project Planner

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

The proposed residential addition and attached garage will not substantially deprive adjacent properties or the neighborhood of light, air, or open space. The proposed addition and garage meet side-yard setbacks, although the rear yard setback would be reduced from 15 feet to 9.5 feet. The shadow from the proposed addition will be contained by the 6-foot rear-yard fence during most months of the year. In winter, at 2 p.m., part of the rear yard of the neighbor to the rear will be shaded, but the neighbor's house will remain in sunlight.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the residential addition and attached garage and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4-PP (Single-family residential -4,000 square feet minimum - Pleasure Point Combining District) zone district, as the primary use of the property will be a dwelling and attached garage. The structure will meet all current site standards for the zone district except those excepted by the proposed Variance and Minor Exception.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-UM (Urban Medium Density Residential) land use designation in the County General Plan.

The proposed residential addition and attached garage will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship between Structure and Parcel Sizes), in that the proposed residential addition and attached garage will still provide a medium sized house consistent with the neighborhood.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed residential addition and attached garage is to be constructed on a developed lot. The level of traffic on neighborhood streets is anticipated to be unaffected by the addition.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential addition and attached garage is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed residential addition and attached garage are 1) not subject to design review, and 2) will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the subject parcel is unusually shallow – only 40 feet deep – and small, just 2,400 square feet in area. The standard setbacks for the zoning district allow (15 feet front and rear) only a 10-foot strip for construction of the dwelling and garage, depriving the property of the standard privilege of a conventional home and garage. The proposed variance, reducing the front setback from 15 feet to 7.5 feet to the addition, and 3 feet to the porch addition, would allow construction of a modest, 800-square-foot residential addition. The front setback to the proposed garage is reduced from 20 feet to 18 feet. The eighteen foot setback is the minimum necessary to allow a standard off-street parking space in front of the garage (one of three required off-street spaces). One parking space is also provided in the 18-foot garage, leaving a 4-foot setback to the rear property line.

Due to the small parcel size, the 50% floor area ratio for the district would allow a total of only 1,200 square feet for a dwelling on the parcel, in addition to a garage credit of up to 225 square feet; the maximum 45% lot coverage would allow a total footprint of 1,080 square feet. The proposed Minor Exception to the FAR and lot coverage site standards would allow construction of a 1,430 square foot, 3-bedroom dwelling and 216 sq.ft., one-story garage. The Minor Exception is justified by the small size of the parcel relative to the neighborhood and to the R-1-4,000 zone district.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the proposed setback from the street to the proposed addition will remain the same as the existing setback, and the setback to the top story will be an extra two feet further back. The existing dwelling is 7.5 feet from the front property line, and the existing porch 3 feet. The recessed second story is characteristic of the neighborhood architecture, where added setbacks to the top story are frequently used to improve light and air. The front façade is aesthetically consistent with other 2-story dwellings on the street. The proposed addition does not impede sight distance or impair vehicle safety. The addition substantially exceeds the required side yard setbacks, including Pleasure Point standards, intended to protect light, air, and open space to the property located on the north and south. The addition will have very little effect on the light and air available to the rear neighbor, and will not affect light and air to neighbors in front, across the street. As a result, the proposed improvements will not be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the vicinity.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that many dwellings on 33rd Avenue and elsewhere in the Pleasure Point neighborhood are developed within front yard setbacks, and more than a few appear to exceed FAR or lot coverage. Given these circumstances, remodel of other homes within the vicinity of the structure would potentially require variances as well. Additionally, the subject parcel has unusually shallow dimensions from front to back, and is a substandard parcel (2,400 square feet) for the district (4,000 square foot minimum). Therefore, approval of a variance for the proposed remodel and small addition is not a grant of special privilege.

Conditions of Approval

Exhibit D:

- I. This permit authorizes the construction of a residential addition and attached garage. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 - 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.

- 3. Grading, drainage and erosion control plans.
- 4. Landscape plan consistent with Exhibit D.
- 5. The building plans must include a roof plan, detailed elevations and cross-sections which clearly depict the total height of the proposed structure.

 Maximum height is 28 feet.
- 6. Details showing compliance with fire department requirements.
- B. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- D. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- E. Pay the current fees for Parks and Child Care mitigation for two bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- F. Pay any required current fees for Roadside and Transportation improvements for two bedroom(s).
- G. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- H. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time

during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080 shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date:	
Effective Date:	
Expiration Date:	
*	

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

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ssue / Revision May 26, 2016 April 4, 2016

PROJECT LOCATION

Site Plans, Project Data

A5 A5 A5 A5 A5

LIST OF DRAWINGS

Floor Plans
 Building Elevations
 Shadow Studies, Landscape
 Neighborhood Context

PROJECT SUMMARY

The small single-family house at 250 33" Avenue contains one bedroom and one bath within 201 sqf. Upus to the owner's growing family needs, the house is planned for an expansion 8 renovation that world yield a two-story, 8 bedroom, 2.5 bath house within 1343 sqf. ft. and a 216 sqf. garage.

The owner, Chaig James has lived in the house for 4 years and intends for the expanded house to be his permanent residence, along with his farrice and her two young daughters. Mr. James has been working with Robert Burkhart, Architect and the countly splanning staff in developing this proposed project. The proposed project meets all of the County's zoning & design requirements as well as those of the Pleasure Point Design Coulcilines. The only exception to these requirements is that the existing house does not meet the current front & near yard settack of 15 feet, due to the small size of the size (40 x 60 feet) and the frine when the house was built (1955).

A variance is therefore required for the front & rear setbacks of this 'nonconforming structure" as well as a 'minor exception" for the floor area ratio of 1343 sq.ft, due to the small site (2400 sq.ft.).

The drawings & data on the following pages presents the proposed project in detail.

moo.lismtod@denatnes

APTOS, CA 95003 (831) 818-0493 ROBERT BURKHART, ARCHITECT 7126 MESA DRIVE

EXISTING SITE PLAN 1/8" SCALE

The century side will the twice x 40 feet deep (C40) suff.) and it sessentially find. Side yand surbands are Sold and 20 Setal. the try right settings 27. The less and them was yet destinate 6.5 feet as stream on the state pair striber. The new year fit grants and containes a storage strong which will be removed. The treat pair striber. The new year fit grants and containes a storage strong which will be removed. The politique side a legal fit will be try and expertly less a set and side is wright new manner pairs and make grants. The flower will be organized by a fit into will be settling foundation.

JONES HOUSE RENOVATION 260 33" AVENUE SANTA CRUZ, CA 96062 (831) 334-8466 APN 032 221 23

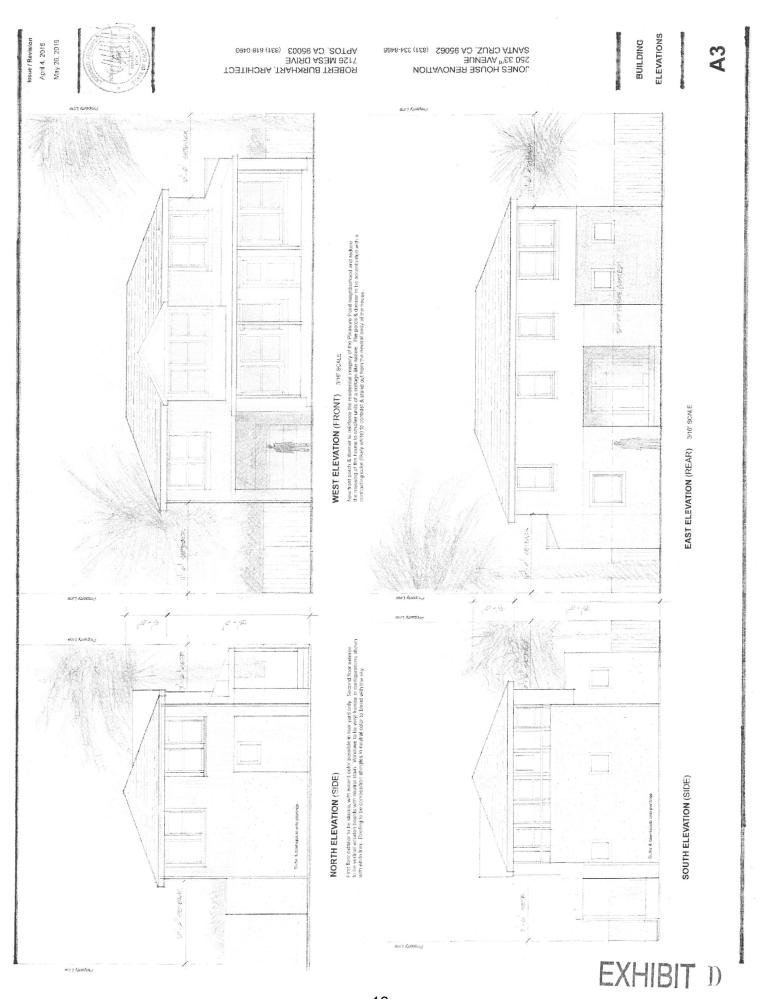
S Brass Yard

0-27

EXHIBIT

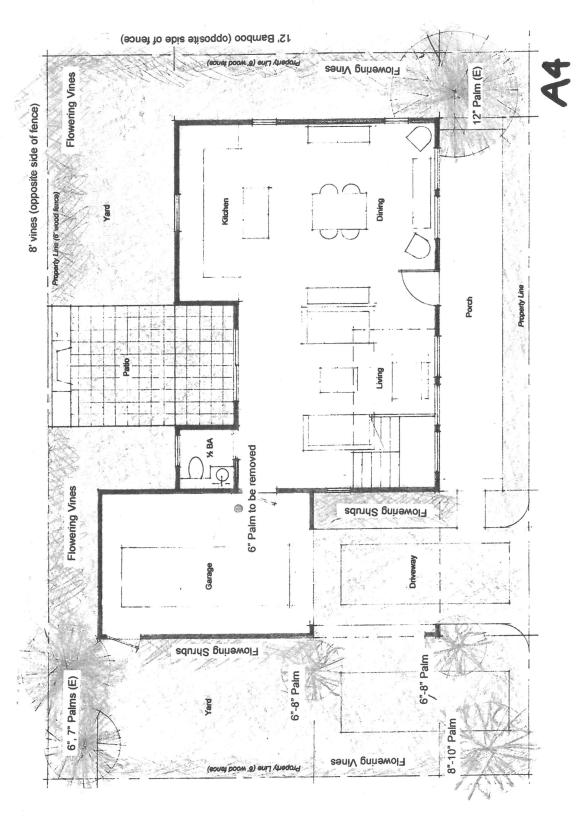
PROPOSED SITE PLAN 1/8' SCALE

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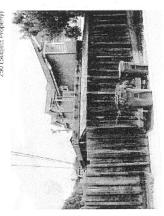


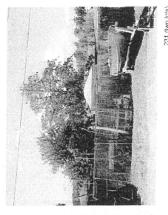
LANDSCAPE PLAN 1/8' SCALE

and the patio pavers at the rear yard will be of pervious material. The storage shed in the side yard will be removed and the new lawns will be planted with drought tolerant grass. Rainwater will be collected in gutters & downspounts and directed onto new plantings around the house. Impervious surfaces on site will be decreased as a result of this proposed project. The mature palm trees on the site will be retained & protected as will the flowering vines on the 6-foot wooden fence on the sides & rear of the property. The asphalt driveway will be removed in favor of a pervious material

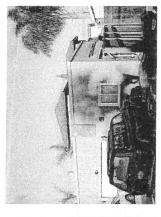


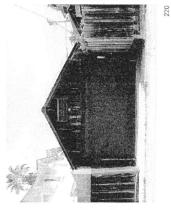






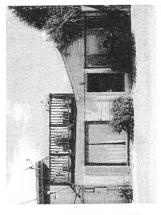




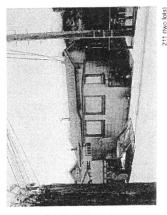


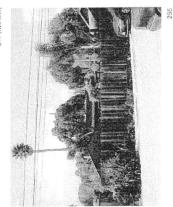






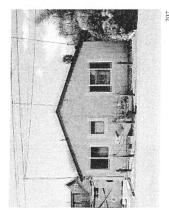


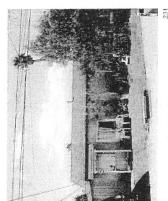








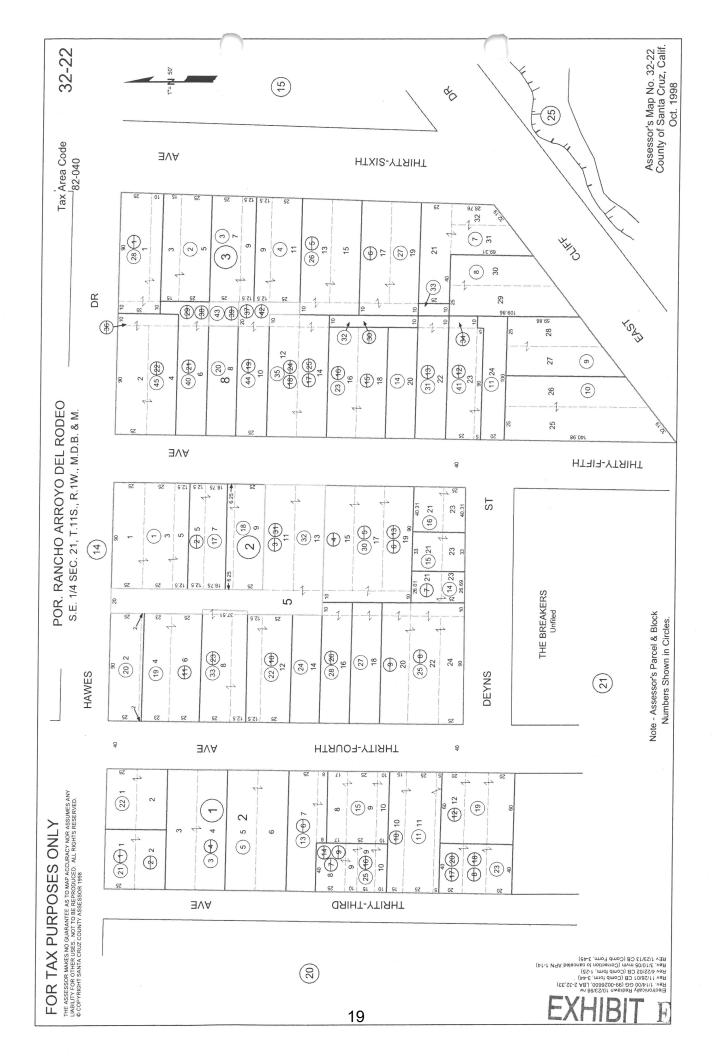




33RD AVENUE, LOOKING WEST

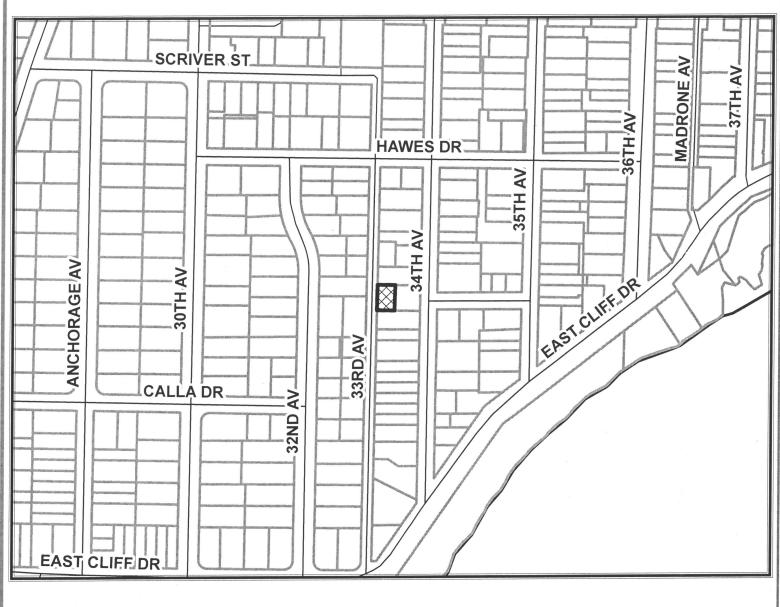
EXHIBIT D

33RD AVENUE, LOOKING EAST





Location Map



0 200 400 800 1,200 1,600 Feet

APN: 032-221-23

Assessors Parcels

Street

County Boundary

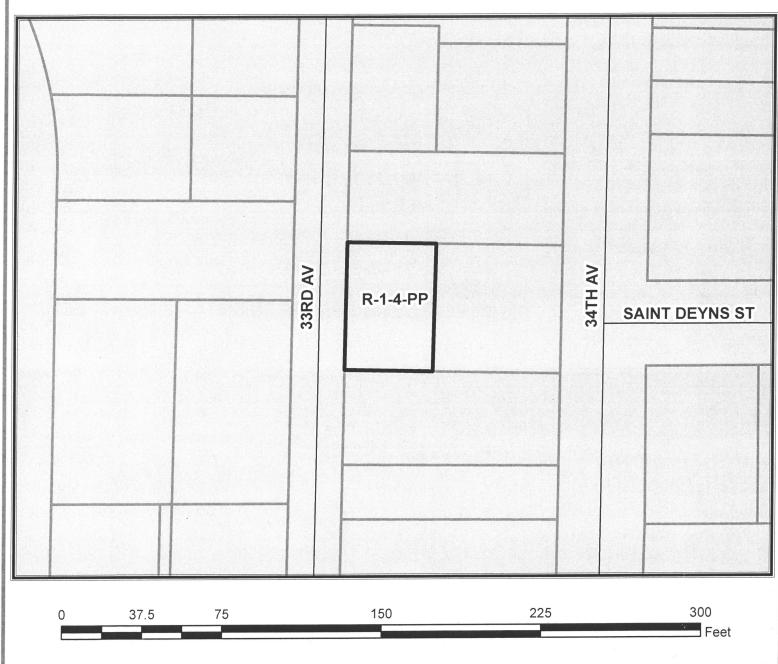


Map Created by
County of Santa Cruz
Planning Department
April 2016

EXHIBIT E



Zoning Map



APN: 032-221-23

Assessors Parcels

Street

RESIDENTIAL-SINGLE FAMILY



Map Created by
County of Santa Cruz
Planning Department
April 2016

EXHIBIT E



General Plan Designation Map



APN: 032-221-23

Assessors Parcels

Street

Residential - Urban Medium Density



Map Created by County of Santa Cruz Planning Department April 2016

EXHIBIT